

REMARKS

This application has been reviewed in light of the Office Action dated August 29, 2003. Claims 1-5, 7-13, 15-18, 33, and 34 are presented for examination. Claims 19-32 have been canceled, without prejudice or disclaimer of subject matter. Claims 1-5, 7-13, 15-18, 33, and 34 have been amended to define more clearly what Applicant regards as the invention. Claims 1, 11, 17, 18, 33, and 34 are in independent form. Favorable reconsideration is requested.

Applicant note with appreciation the indication that Claim 2 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. The latter claim has not been so rewritten because, for the reasons given below, its base claim is believed to be allowable.

The Examiner objected to multiply dependent Claim 10 as having improper form for not referring to other claims only in the alternative. This objection is respectfully traversed, because Claim 10 does, in fact, refer to other claims only in the alternative. Claim 10 recites an image processing apparatus according to any one of Claims 1 to 5 and 7 to 9. In other words, Claim 10 depends from any one claim selected from the set of claims consisting of Claims 1-5 and 7-9, which is a proper form of multiple dependency. In this regard, the Examiner is referred to M.P.E.P. § 608.01(n), which provides an example of acceptable multiple dependent claim wording that is similar in form to Claim 10: “A gadget as in any one of claims 1, 2, and 3, in which...” (emphasis added).

Claims 1 and 3 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,202,092 B1 (Takimoto). Claims 5, 7, 11, 12, 17, 18, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being obvious from Takimoto.

Generally speaking, the present application is concerned with a system in which each individual print job data includes both image-formation data and a communication program for communicating with an external device. The advantages of this configuration are discussed, for example, at page 13, line 20 through page 14, line 13 and at page 18, line 17 through page 19, line 10 of the specification. Among these advantages is that the manager of the host computer from which the print jobs are sent has flexibility in determining how print jobs interact with the external device. For example, the manager may insert a different communication program in print jobs sent by particular users or groups of users, which results in a great deal of flexibility in controlling the calculation of printing charges (see page 13, line 24 - page 14, line 10). Likewise, the manager of a document server can insert an optimal communication program in each individual document stored on the server (see page 18, line 25 - page 19, line 10). Thus, the manager may, for example, specify utilization restrictions based on the content of each individual document. Takimoto, discussed in detail below, does not even contemplate such advantages.

The aspect of the present invention set forth in Claim 1 is an image processing apparatus for performing image formation based on image-formation data. The apparatus includes receiving means for receiving job data that includes the image-formation data and a communication program for communicating with an external unit. A control means is provided for controlling the image formation in accordance with a result of the communication with the external unit based on the communication program in the job data. The communication program includes a restriction procedure for restricting use of the image processing apparatus for each user.

Takimoto, as understood by Applicant, relates to a print system for managing the security of a printer shared on a network, and in particular for checking whether users have the authority to print or access security data. In the Takimoto system, a document for printing is prepared by a user application 11 on a client computer 1 and is transferred to a server computer 2 via network drivers 12 and 21. Printer driver 22 of the server computer 2 analyses identifying information and information such as the number of pages to print, the kind of paper, and special printing functions requested by the user.

Nothing has been found in Takimoto that teaches or suggests receiving means for receiving job data that includes the image-formation data and a communication program for communicating with an external unit, as recited in Claim 1. To the contrary, in Takimoto, the programs used to control access to the printer are part of a printer driver that is stored on the server or printer and is common to all print jobs. This is quite different than the aspect of the invention recited in Claim 1, which, as discussed above, allows for each print job to include a different communication program.

Accordingly, Applicants submit that Claim 1 is patentable over Takimoto.

Additionally, independent Claims 11, 17, 18, 33, and 34 include the same feature of job data that includes the image-formation data and a communication program, as discussed above in connection with Claim 1. Accordingly, Claims 11, 17, 18, 33, and 34 are believed to be patentable for at least the same reasons as Claim 1.

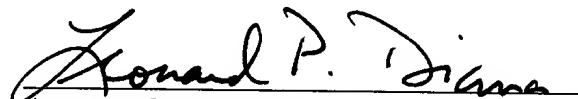
The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of

the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



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